



The Department of Services for Children, Youth, and their Families

Division of Family Services

Office of Children's Services

Parent Handbook

Our mission is to provide leadership and advocacy for Delaware's children. Our primary responsibility is to provide and manage a range of services for children who have experienced abandonment, abuse, adjudication, mental illness, neglect, or substance abuse; and we endorse a holistic approach to enable children to reach their fullest potential.

Think of the Child First



This handbook was designed with you in mind. It is intended to provide you with an overview of our services and should answer many common questions.

Your caseworker can explain and provide answers to questions you may have which do not appear in this handbook.

The Child Abuse Prevention Act of 1997

Title 16, Chapter 9 of the Delaware Code mandates all child abuse or neglect must be reported and investigated by the **Division of Family Services**. The Division is also required to investigate reports alleging dependency. By policy, the Division also investigates when a child is at risk of being abused, neglected or dependent.

A **child** means any person who has not reached his or her 18th birthday.

According to Title 10, Subsection 901 of the Delaware Code, child abuse and neglect are defined as follows:

“Abuse” or “abused child” means that a person:

- (a) causes or inflicts sexual abuse on a child; or
- (b) has care, custody, or control of a child, and causes or inflicts:
 - a. physical injury through *unjustified force* as defined in § 468 of Title 11;
 - b. emotional abuse;
 - c. torture;
 - d. exploitation; or
 - e. maltreatment or mistreatment.



According to Delaware Code, *unjustified force* “...includes, but is not limited to...Throwing a child, kicking, burning, cutting, striking with a closed fist, interfering with breathing, use of or threatened use of a deadly weapon, prolonged deprivation of sustenance or medication, or doing any other act that is likely to cause or does cause physical injury, disfigurement, mental distress, unnecessary degradation or substantial risk of serious physical injury or death...”

“Neglect” or “neglected child” means that a person:

- (a) is responsible for the care, custody, and/or control of the child; and
- (b) has the ability and financial means to provide for the care of the child; and
 - a. fails to provide the necessary care with regard to: food, clothing, shelter, education, health, medical or other care necessary for the child’s emotional, physical, or mental health or safety and general well-being; or
 - b. chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child’s ability to receive care necessary for his or her safety and general well-being, or
 - c. fails to provide necessary supervision appropriate for a child when the child is unable to care for his or her own basic needs or safety, after considering such factors as the child’s age, mental ability, physical condition, the length of the caretaker’s absence, and the context of the child’s environment.

Who reported me?

The Division of Family Services policy protects the identity of any person making a child abuse or neglect report. Your caseworker is required to keep the reporter’s identity confidential.

Anyone participating in good faith in making a report shall have immunity from liability.

How did you get the report about my family?

The Division of Family Services operates a report line, **24 hours a day, 7 days a week. This includes all weekends and holidays.**

The statewide toll free report line number is **1-800-292-9582**. Reports may also be made in-person at a Division of Family Services' office or in writing (e.g., letter, e-mail, or fax).



What are my rights as a parent or caretaker?

If you are the parent or caretaker of a child, you have the right to:

- be informed of any allegation made against you
- be informed of the outcome of the investigation
- be informed if your family case will be referred for ongoing treatment services
- appeal critical decisions
- request access to your family case record
- consult with an attorney of your choosing.



What are my child's rights?

Your child has the right to appropriate physical and emotional care which includes: adequate food, shelter, clothing, education, and medical care including diagnosis and treatment of medical and emotional issues.

Do I have the right to raise my child as I see fit without the state interfering?

You have the right to raise your child in a manner that best suits your family and child, as long as you do not abuse or neglect your child. (See abuse & neglect definitions).

What happens during an investigation?

The following case activities will occur as a part of the investigation process:

- All adults in the home with caretaking responsibility for the children must be interviewed
- A parent not residing in the home who has contact with the child victim must also be interviewed
- Any adult caretaker who may be responsible for harming the child will also be interviewed
- All children in the home will be interviewed and/or observed if non-verbal
- Contact other professionals such as school and medical personnel, daycare providers, and law enforcement officers
- Assess if substance abuse or domestic violence are present in your household

What else happens during the investigation?

Depending upon the report, your caseworker *may*:

- require that your child be examined by a doctor
- ask you to sign release of information forms in the event the Division needs to collect written reports or information from other sources.

Will the Division pay for the medical examination of my child if it is needed?

The Child Abuse Prevention Act of 1997 requires all insurance companies that operate in Delaware to cover medical examinations for suspected child abuse or neglect. In some instances, you may be asked to complete paperwork to determine your eligibility to have the fee waived.

How long does the investigation take?



Although each investigation is different, generally an investigation will be completed within 45 calendar days.

What will happen if I don't cooperate with the Division?

The Division of Family Services recognizes the impact and intrusion our involvement may have on your family. It is often this feeling of intrusion that leads individuals to not want to cooperate with our efforts.

If you decide you cannot cooperate, the Division may need to take other action in order to conduct its investigation. For example, your caseworker may ask for help through the Department of Justice or seek the assistance of Family Court.

I've heard that if I don't cooperate with DFS, you'll take my child away from me.

Your caseworker will make every attempt to work with you in order to keep your child safe in your home. If, however, your child cannot be kept safe, your caseworker may contact Family Court to seek temporary custody and permission to remove your child from your home.

I've heard you can have me arrested.

By law, when the report allegations indicate a crime may have been committed against your child the caseworker is required to contact the appropriate law enforcement agency.

What are the possible outcomes of an investigation?

The Division is required to make two decisions at the conclusion of its investigation; if the report of child abuse or neglect is substantiated or unsubstantiated, and if continued services are necessary for your family. Services may also be provided if the Division determines your child is at risk of child abuse or neglect.

How does a person know they have been substantiated for an incident of abuse or neglect?

The caseworker will send a “Notice of Intent to Substantiate for Abuse and Neglect and Enter on Child Protection Registry” letter informing the person that the Division intends to substantiate them for an incident of abuse or neglect. The letter will specify the Child Protection Level and the consequences.

What is the Child Protection Registry?

The **Child Protection Registry**, (formerly known as the Central Child Abuse Registry), contains the names of individuals that have been substantiated for incidents of abuse or neglect. The substantiated incidents shall be designated at one of four Levels: I, II, III, and IV.

You will receive a notice of substantiation (letter) from your caseworker at the conclusion of your investigation. If your caseworker intends to substantiate you for an incident of abuse or neglect, the notice will explain how to request a hearing in Family Court prior to having your name entered on the Child Protection Registry. You must submit your request for a hearing within 30 days of the postmarked date of the notice or your name will automatically be entered on the Registry without a hearing.

What are the different levels on the Child Protection Registry?

There are four different levels on the Child Protection Registry. With the exception of Child Protection Level I, a person who is substantiated for an incident of abuse or neglect shall be placed on the Registry as follows:

- **Child Protection Level I** – A person who is substantiated for abuse or neglect at Child Protection Level I shall not be entered on the Child Protection Registry, will not be reported to employers required to check the Registry, and is eligible for employment in a child care facility, health care facility, or public school. However, your name and other case information will remain in the DFS internal information system and will be reported in response to inquiries related to application for employment in the Department of Services for Children, Youth and Their Families, foster and

adoptive parent decisions, child care licensing decisions, reporting pursuant to Section 309 of Title 31, or any other purpose set forth in Section 906 (6) of Chapter 9.

Conviction of any of the following crimes when based on the same incident of abuse or neglect as alleged in the Notice of Intent to Substantiate shall be deemed to present a low risk of future harm to children and shall be designated Child Protection Level I: violation of compulsory school attendance requirements or truancy.

- **Child Protection Level II** – A person who is on the Registry at Level II will remain on the Registry for 3 years, and will be reported to employers required to check the Registry for as long as the name remains on the Registry, but the employer will also be told you are eligible for employment in a child care facility, health care facility, or public school while on the Registry at Level II. Your name will automatically be removed after 3 years and will no longer be reported to employers, provided you do not have additional substantiations while on the Registry. Your name and other case information will remain in the DFS internal information system and will be reported in response to inquiries related to application for employment in the Department of Services for Children, Youth and Their Families, foster and adoptive parent decisions, child care licensing decisions, reporting pursuant to Section 309 of Title 31, or any other purpose set forth in Section 906 (6) of Chapter 9.

Conviction of any of the following crimes when based on the same incident of abuse or neglect as alleged in the Notice of Intent to Substantiate shall be deemed to present a moderate risk of future harm to children and shall be designated Child Protection Level II: interference with custody.

- **Child Protection Level III** – A person who is on the Registry at Level III will remain on the Registry for 7 years, and will be reported to employers required to check the Registry for as long as the name remains on the Registry. The employer will also be told that you are ineligible for employment in a child care facility,

health care facility, or public school while on Child Protection Level III. Your name will automatically be removed from the Registry after 7 years and will no longer be reported to employers, provided you do not have additional substantiations while on the Registry. Your name and other case information will remain in the DFS internal information system and will be reported in response to inquiries related to application for employment in the Department of Services for Children, Youth, and Their Families, foster and adoptive parent decisions, child care licensing decisions, reporting pursuant to Section 309 of Title 31, or any other purpose set forth in Section 906 (6) of Chapter 9.

Conviction of any of the following crimes when based on the same incident of abuse or neglect as alleged in the Notice of Intent to Substantiate shall be deemed to present a high risk of future harm to children and shall be designated Child Protection Level III: offensive touching, menacing, reckless endangering, assault in the third degree, terroristic threatening, unlawful administration of drugs or controlled substances, indecent exposure in the first or second degree, sexual harassment, unlawful imprisonment, abandonment of a child, or misdemeanor endangering the welfare of a child or an incompetent person.

- **Child Protection Level IV** – A person who is on the Registry at Level IV will remain on the Registry and will be reported to employers required to check the Registry. The employer will also be told you are ineligible for employment in a child care facility, health care facility, or public school. In addition, your name and other case information will remain in the DFS internal information system and will be reported in response to inquiries related to application for employment in the Department of Services for Children, Youth, and Their Families, foster and adoptive parent decisions, child care licensing decisions, reporting pursuant to Section 309 of Title 31, or any other purpose set forth in Section 906 (6) of Chapter 9.

Conviction of any of the following crimes when based on the same incident of abuse or neglect as alleged in the Notice of Intent to

Substantiate shall be deemed to present the highest risk of future harm to children and shall be designated Child Protection Level IV: vehicular assault, vehicular homicide, criminally negligent homicide, assault in the first or second degree, murder, manslaughter, murder by abuse or neglect, incest, rape, unlawful sexual contact, sexual extortion, sexual solicitation of a child, bestiality, continuous sexual abuse of a child, possession of child pornography, unlawfully dealing in child pornography, felony endangering the welfare of a child or an incompetent person, dangerous crime against a child, kidnapping, coercion, dealing in children, unlawful dealing with a child, sexual exploitation of a child, or promoting suicide.

What if I disagree with the finding?

The Notice of Intent to Substantiate Letter will include a Hearing Request Form. This must be returned within 30 days of the postmarked date of the letter.

What does the Division do after I return the Hearing Request Form?

The caseworker must file a petition in Family Court within 20 days of receiving your request.

What if I have more than one substantiation?

If you are substantiated for abuse or neglect while on the Registry, the imposed conditions for each incident must be completed consecutively, with the conditions for the most restrictive Child Protection Level or Levels being completed before those for the less restrictive level of levels.

What if my substantiations are on different Child Protection Levels?

A person who has partially completed a Level when assigned to a more restrictive Level is given credit for the partial completion when he or she has completed the conditions for the more restrictive Level or Levels.

Who has access to Child Protection Registry information?

Employers in child care, health care, and public schools are required to check the Child Protection Registry and do so with your written consent.

Information is maintained with the strictest of confidentiality rules being applied on your behalf. The only time information can be shared about your involvement with the Division without your consent is when the information is requested by the Department of Justice or Law Enforcement agencies while conducting a criminal investigation of child abuse and neglect.

Can I have my name removed from the Registry?

Automatic Removal

A person who is entered on the Child Protection Registry at Child Protection Level II or Level III will be automatically removed from the Registry, provided that person has not been substantiated for another incident of abuse or neglect while on the Registry.

Early Removal

A person who is entered on the Child Protection Registry at Child Protection Level II or Level III, and who has successfully completed a Division Family Service Plan or a Family Court-ordered case plan may file a Petition for Early Removal prior to the expiration of the time designated for the Level. Early Removal is contingent on the successful completion of a case plan.

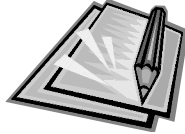
Removal from the Registry means only that your name may no longer be reported to child care, health care, and public schools upon their request for a Child Protection Registry check. However, your name and other case information will remain as a part of the Division's internal information system and will be reported in response to inquiries related to application for employment in the Department of Services for Children, Youth and Their Families, foster and adoptive parent decisions, child care licensing decisions, reporting pursuant to Section 309 of Title 31, or any other purpose set forth in Section 906 (6) of Chapter 9.

What happens if the Division decides that my family needs services?

The caseworker will begin by making visits to discuss the issues identified during the investigation and to become familiar with your family.

Together you will work to develop a Family Service Plan to address your family's needs and the safety issues of your children. It will help you track your progress, and it will assist your worker in determining your family strengths, as well as your needs.

Your participation is important since it serves as a way to measure your progress towards making improvements and ensuring the safety of your children. The family issues that you and your treatment caseworker feel need to be addressed will be included in a **Family Service Plan**.



Many services are available to help families. Some may be obtained on your own and some may require a referral by the caseworker. The services may be received in or out of your home.

What happens if the Division determines my child is not safe and must be removed from my home?

When it is determined that your child cannot be safely maintained in your care, the Division will petition Family Court for temporary custody. If the Family Court judicial officer decides that out of home care (placement) is in your child's best interest and awards the Division temporary custody, your child would then be placed.

What are my rights if my child has been removed from my home?

While your child is in foster care, you have the following rights:

- To understand the reasons why your child is in foster care
- To have reasonable visitation with your child
- To receive assistance in overcoming the problems that led to foster care placement

- A written Family Service Plan which clearly states what must be achieved in order for your child to return home
- To have a periodic review of your progress
- To participate in planning for your child's needs while in foster care, including education
- To receive information about your child's adjustment to foster care, school progress, physical and mental health
- To consent to marriage, entry into the armed forces, and changes in religious affiliation for your children
- To consent to any medical treatment, remain informed about your child's condition, and wherever possible, participate in any medical decision making. However, in your absence or unavailability, the Division will make the decisions in the best interest of the child.

Will I be allowed to visit my child if they are placed in foster care?

We recognize the importance for you to maintain regular contact with your children. Your caseworker will work with you in scheduling your visits. Visits may occur at our office, at a supervised visitation center, or in your home. In most cases, these visits will be supervised or monitored.

How do I get my child back?

A Family Service Plan will be developed with the approval of Family Court. Family Court and the Child Placement Review Board will review the plan periodically as long as your child is in care.

How long do I have to work towards having my child returned home?

Since foster care is temporary and children need permanent families, the goal of reunification must be reached before your child has been in foster care for twelve months. If you do not make sufficient progress within the first twelve months of your child entering foster care, other permanency goals may be identified. Those other goals include termination of parental rights and adoption, relative custody, guardianship, long term foster care, or independent living.

Your participation is key to successful reunification. Failure to cooperate with your Family Service Plan may indicate to your caseworker and to the Family Court that you are unwilling to make the positive changes necessary to provide a safe home for your child. If the Division is unable to reunify your child with you, your worker will explore permanency options. One of those options may include Termination of Parental Rights.

I've heard some parents have permanently lost custody of their child. Could this happen to me?

We are required under the Federal Adoption and Safe Families Act to develop a permanent plan for all children who have been in out of home care for 12 or more months. To terminate parental rights (TPR) the Division must petition the Family Court and a termination hearing must be held to make a final decision.

At the same time you are receiving assistance and working towards your child's return home, the Division of Family Services will also be exploring other options for your child, should you not be able to meet your goals. If circumstances change and you are no longer actively working towards the goal of return home, the Division may change the goal to other permanency goals as indicated above.



What is the Safe Arms for Babies Act?

The ***Safe Arms for Babies Act*** allows a parent of an infant up to 14 days old to surrender the infant to a hospital emergency room in Delaware. The hospital will contact the Division of Family Services and a safe home will be found for your child. A parent who surrenders an infant through the Safe Arms for Babies Act will not be placed on the Child Protection Registry. You may call 1-800-262-9800 for more information about this program.

Does anyone else have the authority to take my child into custody?

Yes. According to Delaware law, any law enforcement officer or physician who reasonably suspects a child is in imminent danger of suffering serious

physical harm or threat to life as a result of abuse or neglect may take a child into Temporary Emergency Protective Custody for up to 4 hours. The law enforcement officer and physician must contact the Division of Family Services who will conduct an investigation. In addition, the Division of Family Services shall have this same authority provided the child is located at a school, day care facility, or child care facility.

Who can I contact if I am unable to resolve an issue with my caseworker?

The Division recommends you address your concerns using the following steps.

Step 1 - Contact your caseworker's Supervisor. If the supervisor is unable to resolve your complaint;

Step 2 - Contact the Assistant Regional Administrator in your county. The office telephone numbers are as follows:

- Sussex County – (302) 856-5460
- Kent County – (302) 739-4800
- New Castle County, Beech Street – (302) 577-3824
- New Castle County, University Plaza – (302) 451-2800

Step 3 – Contact the **Regional Administrator** in your county as outlined above.

Step 4 - Contact the **Constituent Relations Liaison** at (302) 633-2714.

What other services does the Division of Family Services offer?

- Child Care Licensing regulates; in-home, out-of-home, residential, and group facilities, conducts criminal background checks on potential providers, investigates concerns raised about child care centers, and provides training for providers. It is the goal of the Office of Child Care Licensing to ensure the health and safety of all children receiving child care services. For more information, call (302) 892-5800.

What other services are offered by the Department of Services for Children, Youth and Their Families?

- Division of Child Mental Health provides services to emotionally disturbed children.

The contact numbers for non-crisis intake, referral and information:

- New Castle County (302) 633-2571
- Kent and Sussex Counties 1-800-722-7710

Crisis Service contact numbers:

- Northern New Castle County (302) 633-5128
- Southern New Castle County 1-800-969-4357
- Kent and Sussex Counties (302) 424-4357
- Prevention Programs strengthen families and communities through school and community based programs, and by providing educational material and training. The **Office of Prevention and Early Intervention** develops community based programs geared toward preventing our youth and their families from becoming involved in alcohol and drug use/abuse, child abuse and neglect, juvenile delinquency, and other problems that negatively impact families and communities. For additional information, call 892-4500. In conjunction with prevention programs are the **Community Based Early Intervention Programs** which enable children to achieve academic and social success in a healthy environment by providing voluntary early intervention services to students and their families. For more information, call 633-2648.
- **Youth Rehabilitative Services** addresses the needs of children who have been adjudicated delinquent and ordered by the court system to receive services.

Community Services:

- New Castle County, (302) 995-8334
- Kent County, (302) 739-5381
- Sussex County, (302) 856-5663

Other Helpful Resources

Child Abuse Report Line:

1-800-292-9582 24 hours, 365 days per year

Child Support:

Child Support Enforcement: NCC: (302) 577-7171
Kent: (302) 739-8299
Sussex: (302) 856-5386

CONTACT (need to talk):

(302) 761-9100, 1-800-262-9800

Counseling/Individual & Family:

- **Catholic Charities**
NCC: (302) 655-9624
Kent: (302) 674-1600
Sussex: (302) 856-9578
- **Children and Families First**
NCC: (302) 658-5177
Kent: (302) 674-8384
Sussex: (302) 422-8013
- **Delaware Guidance Services for Children and Youth, Inc.**
NCC: (302) 652-3948
Kent: (302) 678-3020
Sussex: (302) 645-5338
- **Jewish Family Services of Delaware**
NCC: (302) 478-9411
- **People's Place**
Kent/Sussex: (302) 422-8026

- **SOAR (Survivors of Abuse in Recovery, Inc.)**
NCC: (302) 655-9049
Kent/Sussex: (302) 422-3811

Delaware Help! Line:
1-800-464-4357

Domestic Violence (24 hour battered women's hotline and support):

- Abriendo Puertas (Spanish speaking, non-citizens) –
Sussex County (302) 855-9515
- CHILD, Inc. – New Castle County (302) 762-6110
- Peoples Place, Inc. - Kent & Sussex Counties (302) 422-8058

Family Court of the State of Delaware:
NCC: (302) 255-0300
Kent: (302) 672-1000
Sussex: (302) 855-7400

Legal:

Community Legal Aid Society, Inc.
(low-income, elderly or disabled)



NCC: (302) 575-0660 or 1- 800-292-7980
Kent: (302) 674-8500 or 1-800-537-8383
Sussex: (302) 856-0038 or 1-800-462-7070

Delaware Volunteer Legal Services
(low-income, elderly or disabled; civil law cases only)

NCC: (302) 478-8680 or 1-800-773-0606

Victim's Advocacy:

Department of Justice: 1-800-870-1790
Delaware Coalition Against Domestic Violence: 1-800-701-0456

Parenting Skills Education:

- **CHILD, Inc.**
NCC: (302)762-8989
- **Turning Point**
KC: (302) 424-2420

Substance Abuse Resources:

- **Aquila:**
NCC: (302) 999-1106
Sussex: (302) 8556-9746
- **Brandywine Counseling:**
NCC: (302) 656-2348
- **Crossroads:**
NCC: (302) 652-1405
- **Open Door**
NCC: (302) 731-1504
Kent: (302) 674-1405
- **People's Place**
Kent/Sussex: (302) 422-8026
- **Phoenix Mental Health:**
Statewide: (302) 736-6135
- **SODAT**
NCC: (302) 656-4044

Division of Family Services Offices

Administrative Offices:

Delaware Youth and Family Center
1825 Faulkland Road
Wilmington, DE 19805
(302) 633-2657

New Castle County:

NCC I
Beech Street
119 Lower Beech Street, 3rd Floor
Wilmington, DE 19805
(302) 577-3824

NCC II
University Plaza,
Cambridge Bldg.
263 Chapman Road
Newark, DE 19702
(302) 451-4800

Kent County:

Barratt Building
821 Silver Lake Blvd., Suite 200
Dover, DE 19901
(302) 739-4800

Sussex County:

546 South Bedford Street
Georgetown, DE 19947
(302) 856-5450

Draper Building
10-12 N. Church Street
Milford, DE 19963
(302) 422-1400

Edward W. Pyle Service Center
Rt. 2, P.O. Box 281-1
Frankford, DE 19945
(302) 739-9510

Shipley Service Center
350 Virginia Avenue
Seaford, DE 19973
(302) 628-2024

Notes:

